

REMARKS

Claim 1 has been amended to remove the parenthetical language and to substitute a reference to SEQ ID NO:3 as suggested by the Examiner in the Office Action.. Claims 6, 11 and 16 have been amended to add "relative to SEQ ID NO: 3" as suggested by the Examiner. Claim 12 has been amended to read "a plant transformed" as suggested by the Examiner. Claims 17, 20 and 21 have been amended to read "transformed seeds" as suggested by the Examiner. Claim 22 has been amended to delete the objected indefinite language.

It is submitted that these amendments do not constitute new matter, and their entry is requested.

Claims 1 and 12 were objected to by the Examiner. It is submitted that the amendments of these claims obviate this objection, and its withdrawal is requested.

Claims 6, 11, 16, 17, 20, 21 and 22 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite. It is submitted that the amendments to these claims obviate this rejection. Withdrawal of this rejection is requested.

The Examiner rejected claims 1, 5-7, 10-12, 15-17 and 20-22 for obviousness-type double patenting over claims 1-18 of U.S. patent number 6,060,646. Applicants note that a Terminal Disclaimer was filed on 20 October 2003 in response to the rejection made in the previous Office Action. Applicants attach a copy of the Terminal Disclaimer printed from the U.S. Patent and Trademark Office's Patent Application Information Retrieval (PAIR) system showing a stamped "Received October 23, 2003, Tech Center 1600/2900." Applicants also attach a copy of the PAIR printout showing the Terminal Disclaimer filed as paper "Number 39." It is respectfully requested that the double-patenting rejection be withdrawn in view of the enclosed copy of the Terminal Disclaimer and the PAIR printout.

In view of the above amendments and remarks, it is submitted that the present claims are patentable over the prior art and satisfy the provisions of the patent statutes. Reconsideration of this

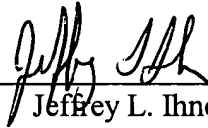
Application Serial No. 09/725,957
Amdt. dated 30 March 2004
Reply to Office Action of 30 December 2003

application and early Notice of Allowance are. The Examiner is invited to telephone the undersigned in order to expedite prosecution of the present application.

Respectfully submitted,

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

By



Jeffrey L. Ihnen

Registration No. 28,957

Attorney for Applicant

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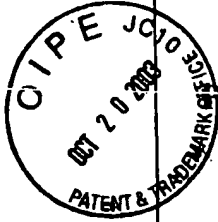
Washington, D.C. 20005

phone: 202-783-6040

fax: 202-783-6031

Attachments: Copy of the Terminal Disclaimer Printed from PAIR
Copy of PAIR Printout Showing Terminal Disclaimer Filed as Paper "Number 39"

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application Number</i>	09/725,957
	<i>Filing Date</i>	30 November 2000
	<i>First Named Inventor</i>	Linda J. HARRIS
	<i>Group Art Unit</i>	1638
	<i>Examiner Name</i>	D.H. Kruse
	<i>Attorney Docket Number</i>	2315-115
<i>Title of the Invention:</i> TOLERANCE OF TRICHOTHECENE MYCOTOXINS IN PLANTS THROUGH THE MODIFICATION OF THE RIBOSOMAL PROTEIN L3 GENE		

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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TECH CENTER 1600/2900

Dear Sir:

The owner, Her Majesty the Queen, in right of Canada, as represented by the Minister of Agriculture and Agri-Food, of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent 6,060,646. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent 6,060,646 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

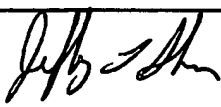
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,060,646, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction,

Application Serial No. 09/725,957
Terminal Disclaimer

is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

The terminal disclaimer fee under 37 CFR 1.20(d) is included.

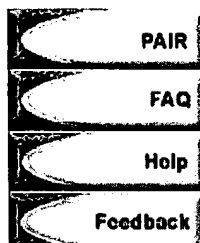
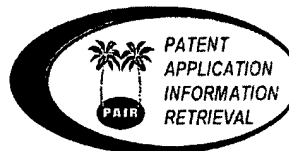
RESPECTFULLY SUBMITTED,					
<i>Name and Reg. Number</i>	Jeffrey L. Ihnen, Reg. No. 28,957				
<i>Signature</i>				<i>Date</i>	20 October 2003
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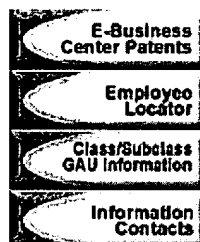
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Search results for application number:09/725,957			
Application Number:	09/725,957	Customer Number:	6449
Filing or 371(c) Date:	11-30-2000	Status:	Non Final Actio Mailed
Application Type:	Utility	Status Date:	12-31-2003
Examiner Name:	KRUSE, DAVID H	Location:	ELECTRONIC
Group Art Unit:	1638	Location Date:	10-27-2003
Confirmation Number:	1560	Earliest Publication No:	US 2002-00880;
Attorney Docket Number:	2315-115	Earliest Publication Date:	07-04-2002
Class/ Sub-Class:	800/279	Patent Number:	-
First Named Inventor:	Linda Harris, Greely, (CA)	Issue Date of Patent:	-
Title Of Invention:	Tolerance of trichothecene mycotoxins in plants through the modification of the ribosomal protein L3 gene		

Select Search Option

☐ Continuity Data
☐ Image File Wrapper
☐ Publication Review
☐ Published Documents

File History		
Number	Date	Contents Description
42	12-31-2003	Mail Non-Final Rejection
41	12-27-2003	Non-Final Rejection
40	10-20-2003	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
39	10-20-2003	Terminal Disclaimer Filed
38	10-20-2003	New or Additional Drawing Filed
37	10-27-2003	Date Forwarded to Examiner
35	10-27-2003	Date Forwarded to Examiner
34	10-20-2003	Request for Continued Examination (RCE)
33	10-27-2003	Express Abandonment (for Entry of CPA / RCE / Rule129)
32	10-27-2003	CRF Is Good Technically / Entered into Database
31	10-20-2003	Workflow - Request for RCE - Begin
30	10-07-2003	Correspondence Address Change
29	08-28-2003	Correspondence Address Change
28	04-29-2003	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
27	04-29-2003	Rule 47 / 48 Correction of Inventorship Papers Filed
26	04-18-2003	Mail Final Rejection (PTOL - 326)

25	04-17-2003	Final Rejection
24	02-12-2003	Date Forwarded to Examiner
23	01-27-2003	Response after Non-Final Action
22	01-27-2003	Request for Extension of Time - Granted
21	01-27-2003	Information Disclosure Statement (IDS) Filed
20	01-27-2003	New or Additional Drawing Filed
19	07-26-2002	Mail Non-Final Rejection
18	07-25-2002	X-Post-Legal Complete Rejection
17	07-25-2002	Non-Final Rejection
16	05-17-2002	X-Pre-Legal Complete Amended Case
15	05-17-2002	Date Forwarded to Examiner
14	05-13-2002	Response to Election / Restriction Filed
13	04-11-2002	Mail Restriction Requirement
12	04-10-2002	X-Post-Legal Complete Rejection
11	04-10-2002	Requirement for Restriction / Election
10	03-27-2002	X-Pre-Legal Complete New Case
9	10-19-2001	Information Disclosure Statement (IDS) Filed
8	03-18-2002	Case Docketed to Examiner in GAU
7	12-14-2001	Application Dispatched from OIPE
6	12-13-2001	Application Is Now Complete
5	12-10-2001	CRF Is Good Technically / Entered into Database
4	03-06-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
3	03-05-2001	Correspondence Address Change
2	12-22-2000	IFW Scan & PACR Auto Security Review
1	11-30-2000	Initial Exam Team nn

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